THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.9462 of 1996

26.09.2006

Between
Mattam Kariveeraiah

…Petitioner

And
The Government of A.P., rep. by its Secretary, Revenue (Endowments-II) Department, Secretariat, Hyderabad and others.

…Respondents

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ORDER:

This writ petition is filed by the writ petitioner claiming to be the Archaka of Sri Malleswara Swamy Temple, Peddavelagatoor village, Peddapanjani Mandal, Chittoor District, seeking a writ of Mandamus declaring the action of the respondents in proposing to acquire the lands to an extent of Ac.0.31 cents and Acs.4.10 cents situated in Survey Nos.140/2 and 140/1 of Peddavelagatoor village, Peddpanjani Mandal, Chittoor District in exercise of powers conferred under G.O.Ms.No.456, dated 29.09.1995, as illegal and arbitrary.

According to the petitioner, he has been in possession of the lands of the temple in an extent of Ac.0.31 cents in Survey No.140/2 and Acs.4.10 cents in

Survey No.140/1. The said lands are being cultivated by the petitioner and some others. It is stated that the petitioner is maintaining the temple himself from the income derived from the lands. While so, the first respondent-State Government issued guide lines in G.O.Ms.No.456, Revenue (Ends.II) Department, dated 29.09.1995, to acquire the lands of the temples for providing house sites to the weaker sections of the society, based on which, the District Collector and Mandal Revenue Officer inspected the lands and sent proposals for initiation of land acquisition proceedings to acquire the land of the temple, which is stated to be under the cultivation of the petitioner. According to the petitioner, if the land is acquired, he as well as the temple would suffer hardship. Therefore, he sought for appropriate Writ directing the respondents not to acquire the land. It is also stated that in view of the provisions of Sections 76 and 80 of the A.P.Charitable and Hindu Religious Institution and Endowments Act, 1987, the respondents have no authority to acquire the lands of the temple, much less, to issue guidelines in G.O.Ms.No456, dated 29.09.1995.

A counter affidavit is filed by the Mandal Revenue Officer on behalf of the respondents disputing and denying the allegations. It is stated that the land in question is a dry ryotwari patta land in the name of deity of Sri Malleswaraswamy temple. It is also stated that out of the total extent of Acs.4.10 cents in Survey No.140/1, an

extent of Ac.3.00 has been proposed for acquisition to provide house sites to the poor under Social Welfare Scheme. It is denied that the petitioner has been cultivating the land and maintaining the temple from the income derived from the land. It is further stated that there are no other lands for providing house sites to the weaker sections of the society and that it is the policy of the Government to provide endowments lands for providing house sites, wherever other Government lands are not available. In the process, the lands in question are only inspected and proposals were sent by the Mandal Revenue Officer, and no further proceedings were initiated. Therefore, the writ petition is premature.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

In view of the fact that no notification under Section 4(1) of the Land Acquisition Act, 1894 is issued, there is no cause of action for the writ petitioner to approach this Court. Further, the policy of the Government to acquire the lands of the temples for providing house sites to the weaker sections of the society has been approved by this Court in a number of writ petitions.

The writ petition is premature and does not deserve any indulgence of this Court. The writ petition is therefore dismissed. No costs.

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26.09.2006

VGB